

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 12, 2007

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Coiner, Gannon, Little, McGee, McKenzie, Pearce, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Adam Calkins, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 9, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senators Coiner, Little, McGee, McKenzie, and Stennett were recorded present at this order of business.

SJR 103

BY RESOURCES AND ENVIRONMENT COMMITTEE A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO STATE LANDS TO PROVIDE THAT IT SHALL BE THE DUTY OF THE STATE BOARD OF LAND COMMISSIONERS TO PROVIDE ACCESS TO STATE LANDS TO MEMBERS OF THE PUBLIC FOR HUNTING, FISHING, TRAPPING AND RECREATION TO THE EXTENT CONSISTENT WITH PROVIDING THE MAXIMUM

LONG-TERM FINANCIAL RETURN TO THE ENDOWMENT AND TO PROVIDE THAT NOT MORE THAN TEN SECTIONS OF STATE LANDS SHALL BE SOLD IN ANY ONE YEAR; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

SJR 103 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 12, 2007

The JUDICIARY AND RULES Committee reports that **S 1104, S 1105, S 1106, S 1107, S 1108, S 1109, S 1110, S 1111, S 1112, S 1113, S 1114, S 1115, S 1116, S 1117, S 1118, S 1119, S 1120, S 1121, S 1122, S 1123,** and **SCR 106** have been correctly printed.

DARRINGTON, Chairman

S 1104 was referred to the Agricultural Affairs Committee.

S 1105, S 1106, S 1107, S 1108, and **S 1109** were referred to the Commerce and Human Resources Committee.

S 1110, S 1111, S 1112, S 1113, S 1114, S 1115, S 1116, S 1117, S 1118, and **S 1119** were referred to the Transportation Committee.

S 1120, S 1121, and **S 1122** were referred to the Local Government and Taxation Committee.

S 1123 was referred to the State Affairs Committee

SCR 106 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 9, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1006, S 1008, S 1009, S 1034,** and **S 1035** were delivered to the Office of the Governor at 2:40 p.m. February 9, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

President Risch assumed the Chair.

February 9, 2007

The JUDICIARY AND RULES Committee reports out **S 1084, H 23, and H 64** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1084, H 23, and H 64 were filed for second reading.

February 12, 2007

The STATE AFFAIRS Committee reports out **S 1082** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

McKENZIE, Chairman

There being no objection, **S 1082** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Gannon and Pearce were recorded present at this order of business.

February 9, 2007

Mr. President:

I transmit herewith **H 76, H 51, and H 52** which have passed the House.

JUKER, Chief Clerk

H 76, H 51, and H 52 were filed for first reading.

February 9, 2007

Mr. President:

I return herewith **SCR 101** which has passed the House.

JUKER, Chief Clerk

SCR 101 was referred to the Judiciary and Rules Committee for enrolling.

February 9, 2007

Mr. President:

I return herewith Enrolled **S 1007** and **S 1036** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1007** and **S 1036** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Mark P. VonLindern was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Coiner, seconded by Senator Werk, the Gubernatorial appointment of Mark P. VonLindern as a member of the Hazardous Waste Facility Siting License Application Review Panel was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Lyle R. Cobbs was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Langhorst, seconded by Senator Hill, the Gubernatorial appointment of Lyle R. Cobbs as a member of the Board of Tax Appeals was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 104**, having been held, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, **SCR 104** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1124

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO SERVICE OF PROCESS ON RESIDENT AND NONRESIDENT MOTOR VEHICLE OPERATORS; AMENDING SECTION 49-2421, IDAHO CODE, TO PROVIDE THAT CERTAIN INSURANCE CARRIERS SHALL BE DEEMED APPOINTED FOR SERVICE OF PROCESS, TO AUTHORIZE THE CLAIM REPRESENTATIVE OR CLAIM ADJUSTER FOR A LIABILITY INSURANCE CARRIER TO ACCEPT SERVICE OF PROCESS FOR A DEFENDANT OR PROCESS MAY BE SERVED UPON THE LIABILITY CARRIER, TO PROVIDE DUTIES OF THE LIABILITY CARRIER WHEN SERVED AND TO MAKE TECHNICAL CORRECTIONS.

S 1125
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO AUTOMOBILE INSURANCE; AMENDING SECTION 41-2502, IDAHO CODE, TO REFERENCE UNDERINSURED MOTORIST COVERAGE; AND AMENDING SECTION 41-2503, IDAHO CODE, TO REVISE THE DEFINITION OF "UNINSURED MOTOR VEHICLE" AND TO DEFINE "UNDERINSURED MOTOR VEHICLE."

S 1126
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO MOTOR VEHICLE LIABILITY; AMENDING SECTION 49-1212, IDAHO CODE, TO REQUIRE THAT A MINIMUM LEVEL OF MOTOR VEHICLE LIABILITY COVERAGE BE PROVIDED TO CERTAIN PERSONS; AND AMENDING SECTION 49-2417, IDAHO CODE, TO REVISE LIABILITY PROVISIONS RELATING TO LIABILITY FOR IMPUTED NEGLIGENCE.

S 1127
BY RESOURCES AND ENVIRONMENT COMMITTEE
 AN ACT

RELATING TO FISH AND GAME; AMENDING CHAPTER 5, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-506, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR CERTAIN RESTRICTIONS ON THE IMPORTATION AND DISPOSAL OF CERVID CARCASSES OR PARTS OF CERVID CARCASSES FROM CHRONIC WASTING DISEASE ENDEMIC AREAS, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR VIOLATIONS AND PENALTIES, TO PROVIDE THAT THE IDAHO DEPARTMENT OF FISH AND GAME SHALL PUBLISH LISTS OF CHRONIC WASTING DISEASE ENDEMIC AREAS AND TO PROVIDE FOR CERTAIN RULEMAKING.

S 1128
BY RESOURCES AND ENVIRONMENT COMMITTEE
 AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1101, IDAHO CODE, TO PROVIDE THAT IT SHALL BE A MISDEMEANOR TO USE DEVICES ACCESSED VIA THE INTERNET TO SHOOT AT OR KILL ANY BIRD OR ANIMAL AND TO PROVIDE FOR PENALTIES.

S 1129
BY RESOURCES AND ENVIRONMENT COMMITTEE
 AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1304, IDAHO CODE, TO PROVIDE FOR THE CONFISCATION AND SALE OF CERTAIN CONVEYANCES AND TO MAKE TECHNICAL CORRECTIONS.

S 1124, S 1125, S 1126, S 1127, S 1128, and S 1129 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 76, by Local Government, was read the first time at length and referred to the Local Government and Taxation Committee.

H 51, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 52, by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Lincoln Day service. The President called Senators Bastian and Hammond, Co-Chairmen, to the Chair to preside over the Lincoln Day service.

The Lincoln Day service was presented to the members of the Senate with Senator Bastian presenting a commemoration to President Lincoln. Posting of the Colors was conducted by Idaho civil war volunteers presenting Civil War/Gettysburg flags. The service included a narrative by David Leroy of events leading up to and following Lincoln's Gettysburg Address. The Gettysburg Address was offered by President Lincoln, portrayed by Skip Critell. Entertainment included Lexi Benner of Boise High School singing *The Battle Hymn of the Republic* and violin music by Cathyanne Nonini. Event Coordinator was Jane A. Wittmeyer.

Closing remarks were offered by Senator Hammond.

Following Retirement of the Colors, Senators Bastian and Hammond declared the Lincoln Day service committee dissolved and the President called the Senate to order.

S 1067, by Education Committee, was read the second time at length and filed for third reading.

S 1064, by State Affairs Committee, was read the second time at length and filed for third reading.

H 30, by Environment, Energy, and Technology Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Burkett and Cameron were recorded present at this order of business.

S 1057, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1057** passed, title was approved, and the bill ordered transmitted to the House.

H 37 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 37** passed, title was approved, and the bill ordered returned to the House.

H 38 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Corder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--Little. Total - 1.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President declared **H 38** passed, title was approved, and the bill ordered returned to the House.

H 77 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 77** passed, title was approved, and the bill ordered returned to the House.

S 1047 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1047** passed, title was approved, and the bill ordered transmitted to the House.

S 1048 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator McGee disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1048** passed, title was approved, and the bill ordered transmitted to the House.

S 1062 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1062** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business, Reports of Standing Committees.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:05 p.m. until the hour of 4:30 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 4:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Bastian, Burkett, McGee, Stegner, and Stennett, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business.

Reports of Standing Committees

Senator Stennett was recorded present at this order of business.

February 12, 2007

The JUDICIARY AND RULES Committee reports that **SCR 101** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore Geddes signed Enrolled **SCR 101**, and ordered it transmitted to the House for the signature of the Speaker.

February 12, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1007** and **S 1036** were delivered to the Office of the Governor at 1:55 p.m., February 12, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions and Memorials

Senators Burkett and McGee were recorded present at this order of business.

SCR 107

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE URGING THE STATE BOARD OF LAND COMMISSIONERS TO CONDUCT A STUDY TO DETERMINE WHETHER THE LEASE OF STATE LANDS TO ENCLOSED-PEN HUNTING OPERATIONS IS CONSISTENT WITH ITS LONG-TERM OBLIGATION TO ENDOWMENT BENEFICIARIES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, many citizens are concerned with the emergence of enclosed-pen hunting operations, often known as "enclosed-pen shooter bull operations" or "canned hunts" in the state of Idaho; and

WHEREAS, the location of enclosed-pen shooter bull operations creates issues regarding access to and from state endowment lands because of the need for substantial fencing and locked gates; and

WHEREAS, the impact of enclosed-pen shooter bull operations on native vegetation on state endowment lands is unknown; and

WHEREAS, enclosed-pen shooter bull operations may affect the Department of Lands' ability to manage noxious weeds on state endowment lands because of the high fences and locked gates necessary for such operations; and

WHEREAS, the potential state liability for addressing damage caused by enclosed-pen shooter bull operations on state endowment lands is unknown; and

WHEREAS, the potential state liability for public health and safety issues arising from enclosed-pen shooter bull operations on state endowment lands is unknown; and

WHEREAS, the financial impact on the state endowments from exclusive use of such lands for enclosed-pen shooter bull operations is unknown; and

WHEREAS, the impact of enclosed-pen shooter bull operations on future uses of state endowment lands is unknown; and

WHEREAS, pursuant to the Constitution of the State of Idaho, the Idaho State Board of Land Commissioners is charged with the direction, control and disposition of the public lands of the state, under such regulations as may be prescribed by law; and in such manner as will secure the maximum long-term financial return for the specific institutions designated by law as the trust beneficiaries; and

WHEREAS, the State Board of Land Commissioners may exercise certain discretionary authority in carrying out its trust obligations relating to state lands; and

WHEREAS, other opportunities for the lease of state lands may offer, over the long term, greater financial return for trust beneficiaries.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State Board of Land Commissioners is urged to conduct a study to determine whether the lease of state lands to enclosed-pen hunting operations is consistent with securing the maximum long-term return to the endowment beneficiaries.

SJM 103

BY RESOURCES AND ENVIRONMENT COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the federal Sikes Act, as originally enacted in 1960, authorized the Secretary of Defense to develop cooperative plans for conservation and rehabilitation programs on military reservations and to establish outdoor recreation facilities; and

WHEREAS, over the course of time a number of amendments to the Act have been made by Congress and, in 1974, the Act was amended to include funding of wildlife work in cooperation with state wildlife agencies on land administered by the Bureau of Land Management; and

WHEREAS, cooperative agreements together with a comprehensive plan between state wildlife agencies and the Bureau of Land Management are basic to full implementation of the amended Sikes Act; and

WHEREAS, starting in 1975, the Region IV Supervisor of the Idaho Department of Fish and Game and the Burley, Jarbidge, and Shoshone District Managers of the Bureau of Land Management began to cooperatively develop comprehensive wildlife habitat management plans on 240 isolated tracts of public land located on the Snake River Plain; and

WHEREAS, the current Sikes Act Cooperative Wildlife Habitat - Farming Agreement was conceived in 1977 with the development of the Burley District Cassia-Twin Falls Isolated Tracts Wildlife Habitat Management Plan; and

WHEREAS, large portions of sagebrush within the region have been converted to agricultural lands and otherwise developed since 1977 and scattered tracts of public land remain to provide essential habitat for a broad array of wildlife species; and

WHEREAS, these critical isolated tracts need specific enhancements and protection to ensure their ability to provide needed wildlife habitat into the foreseeable future; and

WHEREAS, Sportsmen for Fish and Wildlife - Idaho, with cooperation from the Idaho Department of Fish and Game and the Bureau of Land Management, are requesting that Congress appropriate up to one million dollars for a new South Central Idaho Isolated Wildlife Tract Cooperative Habitat Program; and

WHEREAS, the primary objective of that plan is to protect and enhance upland game bird habitat on 284 separate tracts of public lands comprising 33,533 acres on the Snake River Plain with appropriate spinoffs accruing to other game and nongame species; and

WHEREAS, federal appropriations will provide the money needed to improve and enhance the wildlife value on the isolated wildlife tracts in South Central Idaho for many years.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that it supports Sportsmen for Fish and Wildlife - Idaho's federal appropriation request for up to one million dollars as authorized under the Sikes Act for the South Central Idaho Isolated Wildlife Tract Cooperative Habitat Program and urges Congress to grant the appropriation request.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SCR 107 and **SJM 103** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Stegner was recorded present at this order of business.

February 12, 2007

Mr. President:

I transmit herewith Enrolled **H 16** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 16** and ordered it returned to the House.

February 12, 2007

Mr. President:

I return herewith Enrolled **S 1021** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1021** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The President assumed the Chair.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 108

BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT AN INDEPENDENT CONTRACTOR BE ENGAGED TO REVIEW IDAHO'S CURRENT MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT DELIVERY SYSTEM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, in 2006, the Second Regular Session of the Fifty-eighth Idaho Legislature adopted House Concurrent Resolution No. 63 which authorized the Legislative Council to appoint a committee to undertake and complete a study of the current mental health and substance abuse treatment delivery system in Idaho, to review alternative ways to provide these services, and to submit a final report to the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the Mental Health and Substance Abuse Interim Committee held four meetings across the state and considered testimony from state agencies, numerous groups representing both patients and providers, as well as individuals whose families have accessed or attempted to access mental health and substance abuse treatment services in Idaho; and

WHEREAS, the Mental Health and Substance Abuse Interim Committee determined that the state of Idaho needs to conduct an objective and more thorough review of Idaho's current mental health and substance abuse treatment delivery systems in order to address possible solutions.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is requested to engage an independent contractor to review Idaho's current mental health and substance abuse treatment delivery system. The independent contractor would assess treatment capacity, cost, eligibility standards, and areas of responsibility, and would make recommendations for how to improve Idaho's current system by creating appropriate oversight and service levels for a state system. Study areas and components would include, but not be limited to:

a. Creation of a mental health and substance abuse treatment system specifically designed for children and their families to receive immediate treatment.

b. Determine whether there is a lead agency in Idaho responsible for paying for and coordinating services regardless of where an individual enters the mental health or substance abuse system and study the possibility of restructuring the current system via the creation of a separate agency combining mental health and substance abuse services in Idaho.

c. Review the capacity of the current state hospital system as well as the need for voluntary commitments, beds for children in psychiatric crisis, and the need for state hospital services in the Treasure Valley.

d. Review the need for crisis intervention training at all levels of public safety.

e. Regarding the offender population, study the creation of one specific agency responsible to conduct a range of assessments prior to sentencing in order to coordinate treatment and support alternatives to incarceration.

f. Increase the number of probation officers so caseloads shrink and probation officers can more closely interact with the rehabilitated offenders.

g. Evaluation of the concept of a regionally-based mental health and substance abuse treatment delivery system, including a review of other states with such a system and any positive results or shortcomings of such systems.

BE IT FURTHER RESOLVED that the legislative Health Care Task Force shall be the oversight body for the study and the results of the study shall be reported to the Health and Welfare and Judiciary and Rules germane committees during the Second Regular Session of the Fifty-ninth Idaho Legislature.

SCR 109

BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE DEPARTMENT OF HEALTH AND WELFARE, THE DEPARTMENT OF CORRECTION, THE DEPARTMENT OF JUVENILE CORRECTIONS, AND THE COURTS TO DEVELOP AND ADOPT A STANDARD STATEWIDE ASSESSMENT TOOL FOR SUBSTANCE ABUSE AND A STANDARD STATEWIDE ASSESSMENT TOOL FOR MENTAL HEALTH BY JANUARY 1, 2008, AND TO REPORT TO THE LEGISLATIVE HEALTH CARE TASK FORCE BY THAT DATE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, various state agencies and the courts currently may use different and sometimes conflicting assessment tools in determining whether or not individuals qualify for or otherwise need substance abuse and/or mental health services; and

WHEREAS, proper treatment of individuals with substance abuse and/or mental health issues is based upon identifying those who need treatment through the use of proper assessment tools; and

WHEREAS, a standard statewide assessment tool for substance abuse and a standard statewide assessment tool for mental health as used by state agencies and the courts would provide consistency in treatment and provide some assurance to individuals and their families that uniform assessment protocols are followed regardless of where the individual is in the substance abuse and/or mental health system.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Health and Welfare, the Department of Correction, the Department of Juvenile Corrections, and the courts shall collaborate to develop and adopt a standard statewide assessment tool for substance abuse and a standard statewide assessment tool for mental health, with such assessment tools to be determined and reported to the legislative Health Care Task Force no later than January 1, 2008.

SCR 110

BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING AND SUPPORTING THE FUNDING AND CONTINUED DEVELOPMENT OF AN IDAHO PSYCHIATRIC RESIDENCY PROGRAM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, every county in Idaho is now designated as a "Mental Health Professional Shortage Area" by the federal Department of Health and Human Services; and

WHEREAS, Idaho ranked fiftieth in the nation for the number of physicians in psychiatry per capita in 2004 with five psychiatrists per 100,000 population, compared to the national rate of fourteen psychiatrists per 100,000 population, according to the 2006 Health Care State Rankings published by Morgan Quitno Press; and

WHEREAS, Idaho was one of seven states to receive an "F" grade from the National Alliance on Mental Illness on the adequacy and quality of its mental health services; and

WHEREAS, institutions and private practices in Idaho have difficulty recruiting mental health care providers; and

WHEREAS, an Idaho psychiatric residency program, modeled after the University of Washington's Spokane "Advanced Clinician Track" would encourage the recruitment and retention of psychiatric health professionals in Idaho; and

WHEREAS, upon full implementation, the proposed Idaho psychiatric residency program will run on a projected annual budget of \$1.1 million and will have eleven residents per year; and

WHEREAS, the Boise Veterans Affairs Medical Center and Saint Alphonsus and St. Luke's hospitals have committed to provide financial support; and

WHEREAS, the state currently supports a financial budget of approximately ten percent of the annual budget for the family medicine residency of Idaho in Boise and a higher percentage of the Idaho State University family practice residency in Pocatello.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature encourages and supports the funding and continued development of an Idaho Psychiatry Residency Program to enable the health care community to attract and retain mental health professionals in Idaho.

SJM 104

BY HEALTH AND WELFARE COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, every year over 36,000 direct-to-consumer, name-brand prescription drug advertisements are submitted to the United States Food and Drug Administration and immediately advertised in the television, radio or print media. In addition, brochures promoting these name-brand prescription drugs are distributed to physicians without prior United States Food and Drug Administration review; and

WHEREAS, between 1997 and 2005, pharmaceutical company spending on direct-to-consumer advertising has increased twice as fast as spending on drug promotion to physicians or on research and development; and

WHEREAS, the pharmaceutical companies describe their direct-to-consumer advertisements as general public health education, even though such advertisements often contain inaccuracies that range from the minimization of the prescription drug's risks to promotion of unapproved uses to false claims of superiority over competitors' products; and

WHEREAS, spending on direct-to-consumer advertisements skyrocketed from \$80 million in 1996 to \$4.2 billion in 2005; and

WHEREAS, the United States Food and Drug Administration has no statutory authority to preapprove content of direct-to-consumer prescription drug advertisements; and

WHEREAS, the United States Food and Drug Administration enforcement of its regulations on direct-to-consumer prescription drug advertising has been inadequate and ineffective; and

WHEREAS, almost one-half of the \$20.8 billion increase in retail spending on prescription drugs in 2000 was driven by the sale of the fifty most heavily advertised name-brand prescription drugs, and the other 9,850 drugs represented the other one-half; and

WHEREAS, direct-to-consumer prescription drug advertising encourages patients to request name-brand prescription medications that are not necessarily medically indicated, resulting in a twenty-five percent increase in prescriptions for the fifty most heavily advertised drugs between 1999 and 2000, compared to a four percent increase for other drugs; and

WHEREAS, consumers who have been exposed to direct-to-consumer prescription drug advertisements are much more likely to request and receive a name-brand prescription drug even though there may be other options that are equally effective and far less expensive; and

WHEREAS, direct-to-consumer advertising is limited to only the most expensive and profitable drugs; and

WHEREAS, the increase in prescriptions of the direct-to-consumer advertised, name-brand drugs is driving up the cost of our entire healthcare system; and

WHEREAS, as in the Vioxx case, direct-to-consumer advertisements are often released as soon as a drug is approved by the FDA and before the long-term side effects are known, causing unwitting Americans to become test subjects; and

WHEREAS, the United States is only one of two western, industrialized countries that has not banned all direct-to-consumer prescription drug advertisements.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request the Congress of the United States to enact legislation to require specific content for advertising of prescription drugs including information regarding who may be at risk of disease, detailing nonpharmacological options, and describing alternative treatments as well as to appropriate additional funds to the United States Food and Drug Administration to hire adequate staff to handle the increased workload of screening direct-to-consumer advertisements for adherence to the new standard.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SCR 108, SCR 109, SCR 110, and SJM 104 were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1130

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES; AMENDING SECTION 49-335, IDAHO CODE, TO PROVIDE FOR DISQUALIFICATION IF A PERSON SUBMITS TO AND FAILS A TEST TO DETERMINE THE DRIVER'S CONCENTRATION OF ALCOHOL, DRUG OR OTHER INTOXICATING SUBSTANCES.

S 1131

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING CHAPTER 4,

TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-415D, IDAHO CODE, TO ESTABLISH A SUPPORT OUR TROOPS SPECIAL LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

S 1132

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO RULES OF THE ROAD; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-620, IDAHO CODE, TO PROVIDE THAT NO PERSON SHALL OPERATE ON ANY PUBLIC HIGHWAY OPEN FOR PUBLIC USE ANY VEHICLE WITH A LOAD OF GRAVEL, ROCK, DIRT OR SAND UNLESS THE LOAD IS SECURELY COVERED TO PREVENT ANY OF THE LOAD FROM ESCAPING, TO PROVIDE EXEMPTIONS AND TO PROVIDE PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

S 1133

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE EQUIPMENT; AMENDING SECTION 49-948, IDAHO CODE, TO PROVIDE FOR YEAR-ROUND USE OF TIRES EQUIPPED WITH RETRACTABLE STUDS UNDER SPECIFIED CONDITIONS.

S 1134

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO RAILROAD CROSSINGS; AMENDING SECTION 62-412, IDAHO CODE, TO PROVIDE THAT THE OPERATOR OF A TRAIN OR LOCOMOTIVE IS NOT REQUIRED TO SOUND THE LOCOMOTIVE'S BELL, HORN OR WHISTLE WHEN APPROACHING ANY LOCATION AT WHICH THE RAILROAD CROSSES A PRIVATE HIGHWAY, PRIVATE ROAD OR PRIVATE STREET AT GRADE.

S 1135

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE SAFETY RESTRAINT USE; AMENDING SECTION 49-673, IDAHO CODE, TO DELETE THE PROVISION LIMITING APPLICATION OF THIS LAW TO VEHICLES WEIGHING NOT MORE THAN EIGHT THOUSAND POUNDS, TO INCREASE THE FINE FOR VIOLATION OF SAFETY RESTRAINT LAW, TO PROVIDE FOR DISTRIBUTION OF FINE REVENUES AND TO MAKE A TECHNICAL CORRECTION.

S 1136

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO WATER; AMENDING CHAPTER 15, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1508, IDAHO CODE, TO PROVIDE FOR MINIMUM STREAM FLOW WATER RIGHTS IN DESIGNATED REACHES OF THE BIG WOOD RIVER AND THE LITTLE WOOD RIVER AND TO PROVIDE FOR THE DISTRIBUTION OF DONATED WATER; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION

42-1765B, IDAHO CODE, TO PROVIDE FOR CERTAIN DONATED WATER RIGHTS, TO PROVIDE FOR A LOCAL COMMITTEE AND TO PROVIDE FOR THE COLLECTION OF WATER DISTRICT EXPENSES; TO PROVIDE FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND TO PROVIDE FOR DISCRETIONARY ACTION BY THE WATER RESOURCE BOARD.

S 1137

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING CHAPTER 5, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-506, IDAHO CODE, TO RESTRICT THE IMPORTATION OF CERVID CARCASSES OR PARTS OF CERVID CARCASSES FROM OTHER STATES OR COUNTRIES, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR CERTAIN TESTING, TO PROVIDE THAT THE DEPARTMENT OF FISH AND GAME SHALL MAKE TEST KITS AND INSTRUCTIONS AVAILABLE AND TO PROVIDE FOR VIOLATIONS AND PENALTIES.

S 1138

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO SPECIAL PILOT PROJECT ROUTES AND PERMITS FOR OVERWEIGHT VEHICLE LOADS; AMENDING SECTION 49-1004, IDAHO CODE, TO REVISE AND ADD TO THE LIST OF DESIGNATED STATE SPECIAL PILOT PROJECT ROUTES.

S 1139

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO SPECIFY SPECIAL PROGRAMS WHICH QUALIFY FOR STATE SUPPORT; AND AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004H, IDAHO CODE, TO PROVIDE AN ADDITIONAL DISTRIBUTION OF FUNDS TO QUALIFYING SCHOOL DISTRICTS BASED ON INCREASES IN STUDENT POPULATION ACCRUING AFTER THE FIRST FRIDAY IN NOVEMBER.

S 1140

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1001, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 33-1004G, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1141

BY EDUCATION COMMITTEE

AN ACT

RELATING TO ATTENDANCE AT SCHOOL AND DUAL ENROLLMENT; AMENDING SECTION 33-203, IDAHO CODE, TO CLARIFY PRIORITY FOR ENROLLMENT IN PUBLIC SCHOOL ACADEMIC PROGRAMS UNDER SPECIFIED CONDITIONS, TO CLARIFY FUNDING FOR

CHARTER SCHOOL STUDENTS PARTICIPATING IN PUBLIC SCHOOL ACADEMIC PROGRAMS, TO CLARIFY ELIGIBILITY FOR PARTICIPATION IN PUBLIC SCHOOL NONACADEMIC ACTIVITIES, TO PROVIDE CONDITIONS FOR CHARGING FEES FOR PARTICIPATION BY PUBLIC CHARTER SCHOOL STUDENTS IN TRADITIONAL PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES AND TO MAKE TECHNICAL CORRECTIONS.

S 1142

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO JUVENILE CORRECTIONS; AMENDING SECTION 20-520, IDAHO CODE, TO AUTHORIZE COURTS TO ORDER THAT THE DEPARTMENT OF HEALTH AND WELFARE CONDUCT COMPREHENSIVE SUBSTANCE ABUSE ASSESSMENTS OF JUVENILES AND TO ORDER IMMEDIATE TREATMENT UNDER CERTAIN CONDITIONS, TO PROVIDE FOR COSTS, TO AUTHORIZE RULES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-508, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 20-509, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 20-532, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1143

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO REGIONAL MENTAL HEALTH SERVICES; AMENDING SECTION 39-3134A, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO DEVELOPMENT GRANTS.

S 1144

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING ARTICLE III, CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2727, IDAHO CODE, TO PROVIDE FOR THE DISPENSATION BY NURSES OF CERTAIN CONTROLLED SUBSTANCES IN A NARCOTICS TREATMENT FACILITY AND TO EXEMPT CERTAIN NURSES FROM REGISTRATION REQUIREMENTS.

S 1145

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO MIDWIFERY; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 54, IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE AND INTENT, TO DEFINE TERMS, TO PROVIDE THAT PARENTAL RIGHTS REGARDING DELIVERY METHODS ARE NOT MODIFIED, TO SET FORTH SCOPE OF PRACTICE, TO PROVIDE FOR DISCLOSURE AND RECORDKEEPING, TO ESTABLISH THE BOARD OF MIDWIFERY AND TO SET FORTH MEMBERSHIP AND MEETING CRITERIA, TO ESTABLISH A FORMULARY COMMITTEE, TO PROVIDE BOARD POWERS AND DUTIES, TO PROVIDE FOR FEES, TO SET FORTH QUALIFICATIONS FOR VOLUNTARY LICENSURE, TO PROVIDE FOR LICENSE STANDARDS FOR APPLICANTS FROM OTHER

JURISDICTIONS, TO PROVIDE FOR INVESTIGATIONS, HEARINGS AND SUBPOENAS, TO PROVIDE FOR DISCIPLINARY ACTION BY THE BOARD, TO PROVIDE A LICENSE DENIAL OR REVOCATION PROCEDURE, TO PROVIDE ENFORCEMENT PENALTIES AND TO PROVIDE IMMUNITY; AND AMENDING SECTIONS 67-2601 AND 67-2602, IDAHO CODE, TO PROVIDE REFERENCE TO THE BOARD OF MIDWIFERY.

S 1146

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO WHOLESALE DRUG DISTRIBUTION; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 54-1751, 54-1752, 54-1753, 54-1754, 54-1755, 54-1756, 54-1757 AND 54-1758, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO REQUIRE LICENSURE OF WHOLESALE DRUG DISTRIBUTORS, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR LICENSING REQUIREMENTS, TO PROVIDE FOR LIMITATION ON DISCLOSURE OF INFORMATION, TO PROVIDE RESTRICTIONS ON TRANSACTIONS, TO REQUIRE EACH PERSON WHO IS ENGAGED IN WHOLESALE DISTRIBUTION OF PRESCRIPTION DRUGS TO PROVIDE A PEDIGREE, TO PROVIDE EXCEPTIONS, TO REQUIRE THE BOARD OF PHARMACY TO TIMELY ADOPT RULES AND A FORM, TO REQUIRE VERIFICATION WITH EXCEPTION, TO PROVIDE FOR THE CONTENTS OF A PEDIGREE, TO PROVIDE FOR RECORDKEEPING, TO PROVIDE CERTAIN ENFORCEMENT POWERS TO THE BOARD, TO PROVIDE FOR ENFORCEMENT PROCEDURE, TO STATE CERTAIN PROHIBITED ACTS WITH EXCEPTIONS AND TO PROVIDE FOR PENALTIES.

S 1147

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO CHILDREN'S MENTAL HEALTH; AMENDING SECTION 16-2403, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 16-2404, IDAHO CODE, TO PROVIDE FOR COLLABORATION AND COOPERATION AMONG CERTAIN GOVERNMENTAL ENTITIES AND TO PROVIDE THE DEPARTMENT OF HEALTH AND WELFARE THE AUTHORITY TO ENTER INTO CONTRACTS; AMENDING CHAPTER 24, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-2404A, IDAHO CODE, TO PROVIDE THE DEPARTMENT OF HEALTH AND WELFARE CONTRACTING POWER, TO PROVIDE THE DEPARTMENT RULEMAKING AUTHORITY TO PRESCRIBE QUALIFICATIONS FOR TEEN EARLY INTERVENTION SPECIALISTS, TO PROVIDE SALARY EQUIVALENCE FOR SUCH SPECIALISTS, TO PROVIDE RESPONSIBILITIES FOR SUCH SPECIALISTS, TO PROVIDE CONDITIONS WHEN TEENS AT RISK NOT CURRENTLY ENROLLED IN SCHOOL MAY PARTICIPATE IN COUNSELING SESSIONS OR SERVICES, TO PERMIT SCHOOL DISTRICTS TO APPLY FOR THE PLACEMENT OF SUCH SPECIALISTS, TO PROVIDE THE DEPARTMENT RULEMAKING AUTHORITY TO ESTABLISH PROCEDURE, TO PROVIDE FOR LIMITS ON THE NUMBER OF SUCH PLACEMENTS, TO PROVIDE CRITERIA FOR EVALUATION OF SCHOOL DISTRICT APPLICATIONS, TO REQUIRE THE DEPARTMENT TO

WORK WITH SCHOOL DISTRICTS TO GATHER CERTAIN DATA ON THE PILOT PROGRAM'S EFFECTIVENESS AND TO PERMIT COOPERATIVE PROJECTS IN GATHERING THE DATA; AND AMENDING SECTION 20-511A, IDAHO CODE, TO PERMIT COURTS TO INCLUDE TEEN EARLY INTERVENTION SPECIALISTS ON SCREENING TEAMS AND TO REQUIRE SUCH SPECIALISTS TO ATTEND CASE REVIEW HEARINGS.

S 1148

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING SECTION 39-104, IDAHO CODE, TO REVISE NONCLASSIFIED EMPLOYMENT PROVISIONS REGARDING THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AMENDING SECTION 39-105, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AMENDING SECTION 39-107D, IDAHO CODE, TO DELETE A CODE REFERENCE AND TO MAKE A GRAMMATICAL CORRECTION; REPEALING SECTIONS 39-3001 THROUGH 39-3019, IDAHO CODE, RELATING TO RADIATION AND NUCLEAR MATERIAL; AMENDING SECTION 39-3026, IDAHO CODE, TO DELETE REFERENCE TO THE DESIGNATED STATE RADIATION CONTROL AGENCY; AMENDING SECTION 39-3028, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO COOPERATE WITH THE FEDERAL GOVERNMENT RELATING TO THE STABILIZATION, DISPOSAL AND CONTROL OF URANIUM MILL TAILINGS, TO AUTHORIZE THE DEPARTMENT TO PARTICIPATE IN FEDERAL IMPLEMENTATION OF A FEDERAL ACT RELATING TO MILL TAILINGS AND TO MAKE A TECHNICAL CORRECTION; REPEALING CHAPTER 62, TITLE 39, IDAHO CODE, RELATING TO PCB WASTE DISPOSAL; AMENDING SECTION 39-7403, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 42-3902, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 63-3029D, IDAHO CODE, TO DELETE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 67-806, IDAHO CODE, RELATING TO COORDINATION OF PROGRAMS REGARDING THE IDAHO NATIONAL ENGINEERING LABORATORY; AND AMENDING SECTION 67-806A, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT TERMINOLOGY.

S 1149

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT; AMENDING CHAPTER 25, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2524, IDAHO CODE, TO AUTHORIZE COURTS TO ORDER DEFENDANTS TO UNDERGO SUBSTANCE ABUSE ASSESSMENTS AND MENTAL HEALTH EXAMINATIONS, TO PROVIDE FOR PLANS OF TREATMENT FOR SUBSTANCE ABUSE, TO SET FORTH GUIDELINES FOR MENTAL HEALTH EXAMINATION REPORTS, TO PROVIDE FOR PLANS OF TREATMENT FOR MENTAL HEALTH, TO REQUIRE CRIMINOGENIC ASSESSMENTS AND THE

DELIVERY OF SUCH ASSESSMENTS TO SPECIFIED PERSONS, TO REQUIRE THAT CERTAIN ASSESSMENTS, REPORTS AND PLANS OF TREATMENT BE SENT TO THE DEPARTMENT OF CORRECTION IN CERTAIN CIRCUMSTANCES AND TO PROVIDE PAYMENT OF ASSESSMENT AND TREATMENT EXPENSES.

S 1130, S 1131, S 1132, S 1133, S 1134, S 1135, S 1136, S 1137, S 1138, S 1139, S 1140, S 1141, S 1142, S 1143, S 1144, S 1145, S 1146, S 1147, S 1148, and S 1149 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:45 p.m. until the hour of 11:15 a.m., Tuesday, February 13, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Acting Secretary